

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

1	UNITED STATES OF AMERICA,	)	
2		)	
3	Government,	)	No. 08 CR 888
4		)	
5	VS.	)	Chicago, Illinois
6	ROD BLAGOJEVICH,	)	December 7, 2011
7	Defendant.	)	11:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES B. ZAGEL  
(Excerpt - Page numbers should not be  
cited in appellate record.)

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2

THE COURT: Okay.

3

MR. SOROSKY: Your Honor, if I could just  
make one comment about cooperation?

4

:00AM

5

THE COURT: No, it's a non-issue. It's,  
clearly, a non-issue.

6

7

Are we ready for allocution?

8

THE DEFENDANT: Yes.

9

:01AM

10

THE COURT: Before you begin, I want to tell  
you, and I think I mentioned this before, but it's  
been a while, if I ask you a question, you don't  
have to answer any one of them.

11

12

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14

:01AM

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I also want to tell you that it's not my  
intent to ask you questions. Something might come  
up that necessitates it, because this is an  
opportunity for you to speak without objections,  
without the adversary process, to just speak your  
peace.

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19

:01AM

20

Go ahead.

21

THE DEFENDANT: Yes. Thank you, Judge.

22

23

24

Of course, it's your court and I'd be happy  
to answer any questions that you have and explain  
anything.

:01AM

25

THE COURT: Okay.

1 THE DEFENDANT: I want to thank Your Honor  
2 for giving me this opportunity.

3 I have a tendency sometimes to speak before I  
4 think. And I've had plenty of time over the past  
:01AM 5 several months to do a lot of thinking, and  
6 reflecting, and to think about all that's happened,  
7 and all the things that have led up to me standing  
8 here before Your Honor and not being anywhere near  
9 the places that I dreamed of and hoped I'd one day  
:02AM 10 be.

11 I'm here convicted of crimes. The jury  
12 decided that I was guilty and I am accepting of it,  
13 I acknowledge it, and I, of course, am unbelievably  
14 sorry for it.

:02AM 15 I have made my share of mistakes and  
16 certainly have caused these things, these judgment  
17 decisions, and all the rest. And the mistakes I  
18 made, in many ways, have been terrible mistakes.  
19 And I want to take this opportunity to apologize to  
:02AM 20 the people of Illinois, I want to apologize to Your  
21 Honor, and to the Court, for the mistakes that I've  
22 made.

23 If there's any consolation that I can offer  
24 the people, to you, and to myself, it is that I  
:03AM 25 honestly believed -- let me withdraw that. Let

1 me -- I -- I never set out to break the law. I  
2 never set out to cross lines.

3 There is a line between routine politics,  
4 political horse trading, campaign fundraising, and  
:03AM 5 official acts, and how you ask for campaign funds.  
6 There is a line.

7 It was always my intention, in all the things  
8 that I discussed doing, back in 2008, to try to see  
9 if I could do those things on the right side of the  
:03AM 10 line. I thought they were permissible and I was  
11 mistaken and the jury convicted me.

12 And they convicted me because those were my  
13 actions, those were the things that I said, those  
14 were the things that I talked about doing, I  
:04AM 15 discussed in conversations, and I am responsible for  
16 that. I caused it all. I'm not blaming anybody.

17 I was the Governor and I should have known  
18 better. And I am -- I am just so incredibly sorry.

19 I fought very hard, and I fought as best I  
:04AM 20 could, and I believed in what I was doing when I was  
21 fighting this case. And I want to take this  
22 opportunity, Judge, to apologize for fighting the  
23 case in the media. I meant no disrespect to Your  
24 Honor, I meant no disrespect to the federal trial  
:05AM 25 system.

1           And I also want to apologize for challenging  
2 the prosecutors, as I did, in public. I was very  
3 keen on your comments yesterday when you described  
4 how I saw it as a duel and a boxing match. You  
5 captured me. I saw it exactly that way, for  
6 whatever reasons. Alexander Hamilton in duelling  
7 Aaron Burr back in the Eighteenth Century I've read  
8 a lot about. The boxing experience I had, I did see  
9 it in those terms, and I should have known better,  
10 having been a lawyer and a former prosecutor, but  
11 I'm accustomed to fighting back, and I did, and it  
12 was inappropriate. And I'd like to extend my  
13 apology not just to the court but to the prosecutors  
14 for dealing with it. It was childish and not  
15 productive.

16           You heard conversations, the whole -- well, a  
17 lot of people across Illinois and other places heard  
18 the things I said on those tapes. The childish  
19 things, the immature things, ugly and petty things,  
20 self-centered and self-absorbed things. If this  
21 case was about someone charging me with being  
22 self-absorbed, I would have cooperated and pleaded  
23 guilty immediately. But -- and the things I said  
24 that the jury said were criminal; the profanity. I  
25 apologized before and I want to again express my

1 apologies to the people, to Your Honor, to the  
2 Court, that's not the kind of talk that should come  
3 from a Governor. And I have my flaws and I  
4 certainly have my share of insecurities, and they  
5 were certainly reflected in a lot of those phone  
6 calls.

7 I want to apologize to my brother. My  
8 brother is a good man. I want to apologize to his  
9 family. I apologize for getting him involved in  
10 this whole thing. He had a happy, quiet, successful  
11 life at Nashville and he moved to help his little  
12 brother and that happy world was dramatically  
13 changed for several years for him and I just want to  
14 express my apologies publicly to him as I've done  
15 privately.

16 I'd like to try to help explain a little bit  
17 of where I'm coming from, Judge, in terms of how all  
18 of this has evolved in my mind.

19 I was hopeful that things were going to turn  
20 out the other way. I felt that -- that when the  
21 jury reaches its decision, that my interpretation of  
22 all of that was going to end up in the other  
23 direction.

24 I promised my daughter, my older daughter,  
25 Amy, when the allegations first began 3 -- it'll be

1 3 years ago on the 9th of December, I told her I  
2 didn't believe I had done anything wrong and I was  
3 going to fight as hard as I could.

4 And Patti and I have discussed about how such  
5 terrible adversity and catastrophic events that can  
6 happen suddenly, how you try to do the best you can  
7 with something like that, and how do you make some  
8 good out of it and find some positive out of it.

9 And one of the things that at least inspired  
10 me, in part on the fight but certainly in the larger  
11 sense, was that if you stand up for what you believe  
12 in. It turned out my belief was wrong. The jury  
13 made that abundantly clear.

14 I believed that, at the time, if you stand up  
15 for those things and you fight, even though it's  
16 hard, that we were, perhaps, giving our children a  
17 life lesson. That you face your adversity, you face  
18 it as best you can and as honestly as you believe  
19 you can.

20 And so promised my daughter, Amy, that I  
21 would fight. And when the jury read their verdicts  
22 and the first verdict came in, it was clear how the  
23 rest of it was going to go. And after the initial  
24 shock wore off, all I can think about was how soon  
25 Patti and I can get home to be with our kids so we



1 can comfort them and give them the reassurance that  
2 they would need and to try to explain what this  
3 meant and how we, as a family, would have to go  
4 forward.

:09AM

5 And we were able to get home as soon as we  
6 could. And there's a lot of media that surrounds my  
7 home during these sorts of periods. And after  
8 working my way through the throng, Patti was able to  
9 get into the house sooner. When I was able to get  
10 into the home, both of my children were, of course,  
11 upset.

:09AM

12 My younger daughter, Annie, was 8 and was  
13 crying. It didn't take as long to settle her down  
14 because she's 8. Her mother is so loving and was  
15 able to get her to focus on playing with her friend,  
16 Zoë, a little girl across the street.

:10AM

17 But our challenge was to spend time with our  
18 daughter, Amy; our teenager. She's 15 now. She was  
19 14 then. And she's a heroine because all that has  
20 happened, as hard as this has been for her, she was  
21 old enough to realize the magnitude of this when it  
22 happened.

:10AM

23 She'd been old enough to have actually known,  
24 in a more meaningful way, the life that she had when  
25 she was -- when we were -- when I was the Governor,

:10AM

1 and all of that dramatically changed. And she  
2 was -- she was very upset. She was crying and she  
3 was very defiant and Patti and I had to try to  
4 explain to her how everything was different now.

5 And I would like to say that, in spite of all  
6 the adversity--and this is the dad bragging about  
7 his daughter--she's number two in her class in high  
8 school. And it's not relevant to any of this, but  
9 she's been an inspiration to me in that she's been  
10 able to, in spite of it all, work through this and  
11 be a good student.

12 And we talked to her and explained to her  
13 that I had been found guilty and that I had been  
14 convicted of crimes. And my daughter didn't want to  
15 accept it. And she asked me and begged me, "daddy,  
16 please go outside and talk to the media and tell  
17 them that you didn't do it and tell them that this  
18 was wrong."

19 And I had to explain to my daughter that I  
20 had my trials, not once, twice, and that the  
21 decision of the jury went not the way we had hoped  
22 and not the way we had prayed, that I had thought,  
23 and that I was, under the law, found guilty of these  
24 crimes, and that the fight was over, that it was  
25 time to accept this, and that I needed to accept

1 this. That I couldn't go out and tell the press  
2 anything other than what had happened, and I  
3 couldn't go out and pursue the fight as I had up to  
4 that point. That the jury had decided the decision.

:12AM 5 I explained to her how our system of  
6 government works, and that is a system rooted where  
7 the decisions are made by people who sit on a jury,  
8 and they had decided, and they had decided that I  
9 had committed crimes.

:13AM 10 And I apologized to her, as I had before when  
11 all of this happened, just, generally, because I  
12 feel so responsible that, however this happened, it  
13 wouldn't have happened had I been different and not  
14 been in this business.

:13AM 15 And I asked her not to be ashamed of me and I  
16 hope I didn't let her down. But that was the moment  
17 where I had to teach my daughter to try to accept  
18 what had happened and it was a moment where I began  
19 the process of accepting the new reality.

:13AM 20 And if there's any consolation to me, it is  
21 that if I can accept this and meet the  
22 responsibilities, as I must and should, that maybe  
23 that's a way to be able to teach my children more  
24 valuable lessons in life in how you deal with  
:13AM 25 adversity and how you deal with things that didn't

1 go as you'd hoped.

2 And so ever since that time, we've been  
3 working through the acceptance of it, and I want to  
4 now give my final apology, and that is to my family.

:14AM

5 My life is ruined, at least now. My life is  
6 in ruins. My political career is over. I can't be  
7 a lawyer anymore. We can't afford the home we live  
8 in, we are trying to sell it.

:14AM

9 And if it was only me, it wouldn't be good,  
10 it would be very bad, but I know Patti would agree  
11 that it's a lot worse because we have our kids and  
12 because what I brought on to my family.

:15AM

13 I want to apologize to my wife. I love her.  
14 She has stood by me in the worst of times, not only  
15 the best of times. And she's a loving, wonderful  
16 person and wonderful mother.

:15AM

17 And, of course, I want to apologize to my  
18 children and explain how this is not how we saw  
19 this. Patti and I, I think, have done a good job  
20 trying to protect our children.

:15AM

21 When I was Governor, first elected Governor  
22 in 2002, we had a decision to make on whether or not  
23 we were going to move to Springfield and live in the  
24 Governor's mansion or whether we would stay in our  
25 home in the Ravenswood Manor neighborhood.

1           And there were arguments to move to the  
2 mansion. I grew up in a five-room apartment, Judge,  
3 and what's not to like about a 50,000 square foot  
4 mansion. Abraham Lincoln slept and he lived just  
5 blocks away, there's a bedroom named after Abraham  
6 Lincoln. The politics of that is good, because, if  
7 you don't live there, the Chicago governor  
8 doesn't -- you don't do so well.

9           In fact, that was manifested by my reelection  
10 campaign. I think I received 43 percent of the vote  
11 in Sangamon County in 2002, and then, literally, I  
12 remember the number, 20.7 percent in 2006.

13           But we decided, all things considered, that  
14 we wanted our daughters to be not the governor's  
15 kids, but kids whose dad happens to be Governor for  
16 however long or short a time.

17           We wanted to protect them from that life  
18 style and that world, that rough and tumble  
19 political world. And then the other side of it  
20 were, when you are Governor, there's a lot of that  
21 obsequiousness that you get the benefit of and it  
22 extends to your children. We wanted our kids not to  
23 be princesses. We wanted them, as best we could, to  
24 try to be normal kids. So we decided to live in our  
25 home in Chicago and take the flack and all the rest.

1 And I've no regrets, whatsoever.

2 One of the great ironies of this whole case  
3 is that, it all then came down on us, crashing down  
4 on us, literally, at that home, in our neighborhood,  
5 and it's been like that as we speak.

6 I have nobody to blame but myself for my  
7 stupidity and actions in the words and things that I  
8 did and thought that I could do. I'm not blaming  
9 anybody. I've accepted all of it. I realize I was  
10 mistaken. I realize that the things I thought were  
11 permissible, the jury has abundantly made clear that  
12 they are not. And it's because -- they decided that  
13 because of the things that I thought about doing,  
14 the conversations, and the things that -- the  
15 actions that I took. And because of all of that, I  
16 have jeopardized my ability to protect my children,  
17 and I jeopardized my ability to maximize my time  
18 with them.

19 I've been criticized a lot, which is part of  
20 the job, and anybody in public office inherently  
21 receives that and knows that. And among the  
22 criticisms was that I would not be in Springfield a  
23 lot. I feel there's an explanation and there's a  
24 way to set the record straight. I know that's not  
25 for here, but it is true that I tried to be at home

1 as I possibly could to be with my children, because  
2 I felt that was what I should do as a dad, and I now  
3 put all of that in jeopardy, as well.

4 Because of my stupidity and the mistakes and  
5 things that I talked about, things that I discussed,  
6 my children have had to suffer. I've ruined their  
7 innocence. Now, when my kids go out in the world  
8 every day, they have to face the fact that their  
9 father is a convicted felon. And it's not like  
10 their name is Smith; they can't hide. And that's  
11 something I brought on myself, and it's a hard  
12 punishment for somebody who -- and it's something  
13 I -- a responsibility and a burden I have to carry  
14 with me. And, again, I have nobody to blame.

15 I accept the people's verdict, Judge. They  
16 found me guilty. And all I can say is, I never  
17 wanted to hurt anyone, most of all children's  
18 Memorial Hospital.

19 And I am before you now as a person convicted  
20 of crimes. And I know, when you make your decision,  
21 you're going to decide what you think is right and  
22 what you think is just, and I would hope you can  
23 find some mercy and take into consideration all the  
24 things that you've heard.

25 I appreciate this opportunity, Judge, and if

1 you have any questions at all, I'd be happy to  
2 answer them.

3 THE COURT: No. Thank you, Governor.

4 We are going to take a break now. We will  
5 resume in about 20 minutes.

6 THE CLERK: All rise.

7 (Recess.)

8 THE CLERK: All rise.

9 THE COURT: Please be seated in the  
10 courtroom.

11 There are several things I have to say, some  
12 have to do with some remaining legal matters. I  
13 intend to speak them, and then the last thing I do  
14 is, I'm going to ask the defendant to rise and I'm  
15 going to announce the sentence.

16 One observation that was made in the very  
17 beginning was about general deterrence. The  
18 instance that was given to me by Ms. Gurland was  
19 that say if the penalty for governmental corruption  
20 was 5 years in prison, how many people out there  
21 would actually engage in corruption if they knew  
22 that they were going to spend 5 years in prison.

23 Probably very few. Some who might think  
24 5 years in prison is worth compiling a fortune that  
25 they can spend after their release, but not many.



1 But the example is a flawed example, because a  
2 5-year price for corruption is not inevitable.

3 Some are never caught. And then to cite a  
4 not so hypothetical example, after they die, huge  
5 amounts of cash are found in their closets. If you  
6 think you're not going to get caught, you do it.

7 The problem with deterrence always is that  
8 you have not only the price to be paid if you are  
9 caught, but the chances of your being caught. And  
10 while economists know how to discount this  
11 probability, we don't have reliable statistics on  
12 the good way to do it. If you are a corrupt public  
13 official and you are an optimist, there's a much  
14 better chance you're going to do it than if you're a  
15 pessimist.

16 So the issue of who would trade 5 years in  
17 prison to be corrupt is 10 to 20 years, whatever the  
18 figure is, is not the question that we are supposed  
19 to ask.

20 A brief comment on the guidelines in this  
21 case. The official guideline is 30 years to life,  
22 360 months to life. The government thinks that that  
23 guideline is inappropriate. I agree.

24 The guideline they propose is 180 months to  
25 240 months, which is, practically, the same as the

1 one the probation officer fixed, which is 188 months  
2 to 235 months. So I'm regarding the 188 to 235 as  
3 the effective guideline in this case.

4 I don't think that the defendant is going to  
5 object to the proposition that they don't want to  
6 accept that the government's opinion that it should  
7 be lower than 360 to life. They, of course, would  
8 like it to be a lot lower than 188 to 235, but, on  
9 that, I have not sustained their position.

10 There is an issue that has arisen in light of  
11 the allocution, and that is whether the guideline  
12 should be affected by application of acceptance of  
13 responsibility, and the defendant did use the word  
14 acceptance of responsibility.

15 The rule in the guidelines says, and I quote:  
16 "This adjustment is not intended to apply to a  
17 defendant who puts the government to its burden  
18 of proof at trial by denying the essential  
19 factual elements of guilt if he's convicted,  
20 and only then admits guilt and expresses  
21 remorse ...."

22 the general policy.

23 The note also goes on to say that:

24  
25

1 "... conviction by trial, however, does not  
2 automatically preclude a defendant from  
3 consideration for such a reduction. In rare  
4 situations, a defendant may clearly demonstrate  
5 acceptance of responsibility for his criminal  
6 conduct even though he exercise his  
7 Constitutional right to a trial ...."

8 So the issue is is whether this case falls  
9 within two categories: One, that what he did  
10 constitutes acceptance of responsibility, and, two,  
11 whether or not it comes too late.

12 The first, and by far the single most  
13 important act that constitutes acceptance of  
14 responsibility, is truthfully admitting the conduct  
15 comprising the offense of conviction.

16 And this presents, because the facts of this  
17 case, an interesting point of judgment, because the  
18 vast majority of facts in this case were not  
19 disputed.

20 It's very difficult to dispute what was on  
21 the recordings. And there was no contention that  
22 the recordings had been tampered with. So,  
23 basically, the only way the defendant could -- let  
24 me correct that. The only way the defendant could  
25 deal with this, for the most part, for the far

1 greater part, is to say: Yes, I said all of these  
2 things, I'm not denying it, but I didn't mean it. I  
3 didn't want these people to do what they thought I  
4 meant. And, also that, to the extent I meant it, I  
5 was maneuvered by my assistance, it was not really  
6 my will.

7 So the crucial facts in this case are whether  
8 he meant what did happen and whether the  
9 responsibility is less his than those of people who  
10 were around him.

11 The second one, in many respects, is more  
12 important because that's what acceptance of  
13 responsibility means.

14 I believe that he did, in fact, accept the  
15 proposition that what he asked these people to do  
16 was, in large part, if not entirely, what they did.  
17 And it's quite clear that he's not blaming them for  
18 doing it.

19 So the first requisite of acceptance of  
20 responsibility truthfully admitting the conduct that  
21 in this particular case apprises the offenses of  
22 conviction, the single exception of Count 24. That,  
23 however, does not end the matter. There is one  
24 negative, and that is one of the things that is a  
25 factor is voluntary resignation from the office of

1 the position held during the commission of the  
2 offense, that's a negative on his side.

3 The more important factor is is that it comes  
4 late. And is there a reason for this not to bar his  
5 acceptance of responsibility? And, I think, in this  
6 particular case, there is a reason, and that had to  
7 do with his position.

8 It's an awful hill to climb as Governor to  
9 admit this. And bear in mind, most acceptance of  
10 responsibility issues arise in cases where there's  
11 absolutely no one in the courtroom and no one in the  
12 public, as a whole, present, maybe some family  
13 members, when the defendant makes an attempt to  
14 accept responsibility. The world doesn't care. And  
15 in a lot of those cases, I have noticed that  
16 frequently the family doesn't show up because the  
17 person who is accepting responsibility doesn't want  
18 to do it in front of them.

19 And I think in this particular case, his  
20 particular status as the Governor and an extremely  
21 well-known public figure, made it so difficult for  
22 him to do so that this rationally explains his delay  
23 in doing it.

24 The reason, incidentally, I am according him  
25 this benefit from his holding the office of Governor

1 is because, in some respects, his holding the office  
2 of Governor, in fact in many respects, holding the  
3 office of Governor is responsible for some of the  
4 things I'm going to say and for the sentence I will  
5 ultimately impose, because abuse of the office of  
6 Governor, as I will mention briefly, is more  
7 damaging than the abuse of any other office in the  
8 United States except president.

9 So I am giving him the 2 points for  
10 acceptance of responsibility, which means that, for  
11 my purposes, the effective guideline is 151 months  
12 to 188 months.

13 Having said that, I have some comments on the  
14 defense position. There was a persistent reference  
15 to statements made to the defendant from which  
16 during trial he claimed he could infer that his acts  
17 were not illegal.

18 And as I said before, he did manage to  
19 present this claim to the jury even though he had no  
20 advice of counsel defense. He could not make a  
21 legitimate advice of counsel defense because he  
22 never gave enough details for a lawyer to give  
23 competent advice and he did not ask for legal  
24 advice. He asked, essentially, the same kinds of  
25 questions to non-lawyers, which is a pretty good

1 indication that he wasn't seeking legal advice.

2 He asked if something was okay. Tactical  
3 advice is what he sought, not legal advice. He did  
4 pronounce, on a few occasions, that what he did had  
5 to be legal, but none of it was focused on any  
6 particular issue.

7 He never asked if something, some specific  
8 plan was legal at a pertinent time. I don't recall  
9 a single instance in which he specifically asked a  
10 lawyer if something was legal. A simple question  
11 which he, a lawyer, knew would cause a lawyer to  
12 ask, in turn, "what exactly do you intend to do?"

13 The lawyer defendant in this case understood  
14 that he did not want to ask the question "is it  
15 legal," because the answer might stop some of the  
16 schemes in their tracks.

17 A few of his plans may, arguably, have been  
18 legal. The ones he was convicted of were not. In  
19 the end, his defense morphed into a claim that he  
20 did not believe his proposals were "quid pro quo,"  
21 which he did know was an illegal exchange. The jury  
22 did not believe him and neither do I.

23 It's true that one adviser once said that  
24 they did lead the Governor to take certain steps;  
25 Harris said so. If that's asked as a general

1 question to any governor's Chief of Staff, and I've  
2 known a few, or general counsel, and I've known a  
3 few of them, too, I doubt that there is any one of  
4 them who will tell you that they never did that from  
5 time to time, but this is not the situation here.

6 The Governor was not marched along this  
7 criminal path by his staff. He marched them and  
8 ruined a few of their careers, and, more than that,  
9 in the process, except for his brother, and that  
10 recently he seems not to have noticed this.

11 He was told by Harris and Quinlan that he  
12 should not deal for any personal benefit, not even  
13 joke about it. He denies hearing this or perhaps  
14 denies remembering it, but I'm sure he did hear it,  
15 and I believe he ignored it because it was  
16 inconsistent with one of his primary goals. Having  
17 heard that is one reason I believe he decided never  
18 to ask for a lawyer's opinion on his scheme.

19 He talks about his schemes as, I think the  
20 word is "lengthy musings," I think that's the word  
21 he uses in one of his briefs. So he asked the jury  
22 and now me to believe that he made the phone calls  
23 and arranged meetings with others so that they could  
24 hear his musings. "Musings" are the kinds of  
25 statements made when somebody wanders into your



1 office maybe at the end of the day and you and your  
2 staff have exchanged idle thoughts and speculations.  
3 Musings are talks without purpose, not the material  
4 of arranged meetings and repeated phone calls.

5         The jury, and I, did not believe these were  
6 musings. I do accept his apology for the position  
7 he took in his testimony in assigning responsibility  
8 for his acts to others. He probably should have  
9 named more people than he did, but I suspect he may  
10 very well regret the fate of others.

11         Every Governor, even our worst, helps someone  
12 and does good things for people. You never actually  
13 know whether that comes from personal commitment or  
14 from a calculation of political benefit. In my  
15 calculus, it doesn't matter. If something is good,  
16 it's good regardless of why it was done.

17         I do also believe that what he did for  
18 children's health was motivated by a true concern  
19 for the welfare of children and these actions, in my  
20 mind, a mitigating factor.

21         I'm about to say some things, and before I  
22 say them I want to tell you that they remind me of a  
23 maxim known by many lawyers, doctors, reporters,  
24 editors, and judges: pretty much we all know how to  
25 be kind to people, and pretty much we all know how

1 to tell the truth, but very few of us know, and I  
2 don't, that there are some times when you cannot do  
3 both at the same time.

4         The letter submitted to me by the defendant  
5 tend to emphasize his devotion to his children, a  
6 couple to children, in general. I don't doubt his  
7 devotion to children. But this is not an unusual  
8 situation. Counsel for the defense said this is  
9 exceptional. It is not exceptional, it's not  
10 exceptional in my own experience. I see case after  
11 case where good fathers are also bad citizens and  
12 wind up in jail. There is no question that the  
13 innocent children of felons suffer, and I am  
14 sympathetic to the plight the defendant's children  
15 have endured over the last 3 years.

16         And this is tragic, but, as he admits, the  
17 fault for this lies with the defendant alone. Why  
18 did the devotion as a father not deter him from  
19 engaging in such reckless conduct.

20         I know the thoughts of children weigh heavily  
21 on his mind as he faces punishment, but now it is  
22 too late. The same thought should have stopped him  
23 from even approaching the line that divides lawful  
24 from criminal. If it is any consolation to his  
25 children, he does not stand convicted of being a bad

1 father.

2 The fact is, the defendant did not want to  
3 take the risk for being told that a particular plan  
4 was illegal. So he did not ask for legal research  
5 to be done, nor did he do it on his own. Instead,  
6 he preserved his ability to claim that he did not  
7 know that something was a crime. In effect, he  
8 allowed his family to assume a different risk, the  
9 one that he would be caught and convicted.

10 Some of these letters discuss the good things  
11 the defendant has done, most of them are from people  
12 who personally benefited from acts and specific  
13 favors conferred by the government, and, in some  
14 cases, by the General Assembly.

15 Their gratitude is actually reasonable and  
16 appropriate, but the request for exceptional  
17 leniency are based on the idea that someone who does  
18 good things cannot also do bad things or that the  
19 good directly offsets the bad.

20 Very few criminals are all bad. Many are  
21 decent spouses, parents, family members, good  
22 friends, sometimes good employees. But in a  
23 criminal court, the judgments are made upon the  
24 criminal acts, usually the worse things that the  
25 accused has done. Good works do not offset criminal

1 misconduct, though they may mitigate it. If this  
2 were not so, there would be a great moral hazard, a  
3 criminal might decide that if he does enough good  
4 deeds, he will get a pass on his criminal conduct.

:22PM

5 We see this, occasionally, in cases of  
6 criminal gangs who build basketball courts for the  
7 community and contribute in other ways. It's not  
8 enough.

:22PM

9 whatever good things you did for people as  
10 Governor, and you did do some, I am more concerned  
11 with the occasions when you wanted to use your  
12 powers to do things that were good only for  
13 yourself.

:22PM

14 Some of the letters, I have to say,  
15 particularly some of those from people who held  
16 highly responsible positions in life, fall into a  
17 category properly described in an old phrase seldom  
18 used these days, and I quite, "damning with faint  
19 praise." They speak about specific instances where  
20 something exemplary was done, or character traits  
21 they admire, without ever endorsing your general  
22 character.

:22PM

:23PM

23 There are letters from people who have known  
24 you for a very long time. I have found them  
25 thoughtful in the description of some of your

1 characteristics as a child and an adult. These  
2 views suggests that your personality may not be  
3 entirely suitable for public service. Much of what  
4 I heard in the recordings and both heard and saw in  
5 your testimony support this view, some unfortunate  
6 elements of immaturity. The willingness to admit,  
7 even to yourself, that you have done something  
8 seriously wrong until you are forced to do so,  
9 blaming others for your misconducts, the impatience,  
10 the endless talking, the lack of focus, and the need  
11 for praise and plaudits say from people whose  
12 grandmothers got a free ride on the free bus.

13 And, in all honesty, this observation is not  
14 very different from a mitigation argument offered by  
15 your own lawyers. One theme from the defense is  
16 that you were just the person who got elected, did  
17 not know how to pick the right staff, were unable to  
18 see that the staff was leading you down the wrong  
19 path. They're not traits suitable for a Governor.

20 I have called you Governor when I spoke to  
21 you. Your own lawyers don't, the government  
22 doesn't. By protocol you are entitled to that  
23 honorific if, for no other reason, you won election  
24 as Governor twice. But I also do it because it  
25 serves as a reminder to those of us who vote and

1 those of us who don't. It reminds the voters of the  
2 maxim the American people always get precisely the  
3 government that they deserve. Your case is another  
4 lesson for us.

:24PM 5 I'm going to comment also on the way you  
6 responded to the indictment. Although, I have to  
7 tell you that I accept your apology. I think you  
8 understand how wrong it was, but at the time you  
9 thought it was appropriate to reduce this case to a  
:25PM 10 personal battle, much like a political campaign  
11 between you and the prosecutor in this district.

12 To you this case was not to be decided on  
13 admissible evidence by an impartial jury, but on the  
14 public perception of the deeds and personalities of  
:25PM 15 yourself and the prosecutor.

16 In a political context, this tactic had a  
17 great benefit for you because you faced the  
18 prosecutor who could not speak publicly after the  
19 first statements when the indictment was announced.  
:25PM 20 So you are campaigning against somebody who could  
21 not put up his own billboards and give his own  
22 interviews. You sought to lead the general public  
23 for whom the jury would be drawn to think better of  
24 you than they think of the prosecutor.

:26PM 25 And the general public really has no

1 obligation to be impartial in an election or even to  
2 pay any attention to a political contest. The jury,  
3 though, does have an obligation of impartiality,  
4 does have to pay attention to the evidence, and  
5 decide on the basis of the evidence, not on emotion  
6 nor personal preference.

7         These were foolish and unworthy tactics in  
8 treating the charges as you did. And the reason I  
9 mention it now is it evinced a disrespect for our  
10 citizens, Illinoisans all, called to serve as  
11 jurors.

12         I cannot comprehend that you seem to argue at  
13 first, and I think even underline the argument, the  
14 proposition that even if guilty, there was no harm  
15 to Illinois. This is not the kind of case where,  
16 for example, a state employee plans to break into  
17 CMS. For those of you who are not familiar with  
18 Illinois government, it's the Central Management  
19 Services. Seeks to break into a CMS garage to steal  
20 state-owned vehicles and is foiled before he can use  
21 his bolt cutter on the lock. There is no monetary  
22 loss to the government. The harm here is not  
23 measured in the value of money or property. The  
24 government makes an argument that, in fact, people  
25 were harmed monetarily. They make that argument,

1 which I think is a valid one, almost as an  
2 afterthought, because the government's position, and  
3 I think the position that ought to be everyone's  
4 position, is not how you measure what happened here  
5 in the value of money or property. This is one of  
6 the principal reasons why the original guideline 360  
7 to life was just not appropriate. Able of loss  
8 really did not encompass the real damage in this  
9 case. The harm is the erosion of public trust in  
10 government.

11 In your argument, your attorneys rightly  
12 agree that the financial harm is not the full  
13 measure of damage. Confidence in and trust of  
14 government is diminished.

15 If confidence in the integrity of the highest  
16 ranking officer of the state, a sovereign officer,  
17 is lost or diminished, things will get worse and not  
18 better.

19 In the United States we don't much govern at  
20 gunpoint. We require willing and creative  
21 cooperation and participation to prosper as a civil  
22 society. This happens most easily when people trust  
23 the person at the top to do the right thing most of  
24 the time and, more important than that, to try to do  
25 it all of the time.



1           If a state Senator takes a bribe, that's one  
2 person out of 59, even if a lesser state-wide  
3 officer can go bad, people accept and move on  
4 without much worry. You are not to be compared with  
5 those who hold lesser positions in government, even,  
6 for example, the head of a major co-department in  
7 the State of Illinois.

8           You, as the Governor, are seen to control all  
9 of them, though I can see, in practice, you don't.  
10 You are seen to control what happens. The image of  
11 corruption in a Governor seeps into the fabric of  
12 nearly all of them. When it is the Governor who  
13 goes bad, the fabric of Illinois is torn and  
14 disfigured and not easily or quickly repaired. You  
15 did that damage.

16           Sentence: On counts 3, 5 through 13, 15 to  
17 17, 21 and 23, 168 months in the custody of the  
18 Bureau of Prisons.

19           On counts 18, 23, 60 months in the custody of  
20 the Bureau of Prisons.

21           On Count 24, 36 months in the custody of the  
22 Bureau of Prisons.

23           All of these sentences are to run  
24 concurrently. These are to be followed by a period  
25 of supervised release of 2 years, and I believe on

1 all counts they are to run concurrent, as well.

2 within 72 hours of your release from custody,  
3 you will report to the Probation Office in the  
4 district where you are released. The standard  
5 conditions of this court will apply under those  
6 circumstances. Although, I think it is unnecessary,  
7 I have to order standard drug testing, random drug  
8 testing not to concede 104 tests per year.

9 You will have to submit to a DNA test, if  
10 ordered. You may not possess a firearm or other  
11 destructive device while on supervised release.

12 You may not commit a crime under the law of  
13 any jurisdiction, state, municipal or federal.

14 I am imposing a fine on of \$20,000. If the  
15 payment has not been made by the time you have been  
16 released, you shall pay the fine in installment  
17 payments that are at least 10 percent of your  
18 monthly income.

19 This is a case in which the nature of the  
20 charges and the proof does not justify restitution.  
21 I regard restitution as inapplicable in this case.

22 There's a special assessment of \$100 for each  
23 count, that is an assessment of \$1,800.

24 With that, I want the defendant and counsel  
25 to come to the lectern.

(Brief pause).

THE COURT: First I want to inform the defendant that you have the right to appeal both the convictions and the sentence. If you want to do so, speak with your lawyer, they'll tell you how to go about doing it.

(End of excerpt.)

\* \* \* \* \*

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT  
FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED  
MATTER

/s/Blanca I. Lara

date

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Blanca I. Lara

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Date